

Appl. No. : 10/614,644
Filed : July 7, 2003

REMARKS

Applicants thank the Examiner for the helpful comments provided during the telephonic discussion with the undersigned on April 10, 2007.

Claims 93-119 are pending in the instant application and stand rejected by the Examiner. Applicants have amended Claims 93-119. The amendments to the claims add no new matter and are fully supported by the specification and claims as originally filed. In particular, support for the amendment to Claim 93 specifying that the filter within the tissue collection container separates a cell population comprising adipose-derived stem cells from lipid, blood and saline can be found, for example, on page 5, line 30 -page 6 line 2; page 13, lines 1-10; and page 26, lines 10-13. Support for the amendment to Claim 93 specifying that that the cell collection container is configured to receive adipose-derived stem cells from the tissue collection chamber can be found, for example, on page 14, lines 1-9. Support for the amendment to Claim 93 specifying the conduit that connects the tissue collection chamber and the cell collection chamber while maintaining a closed system can be found, for example, on page 14, lines 1-7 and page 31, lines 27-29. Support for the amendment to Claim 93 specifying that the cell collection chamber contains a cell concentrator, *i.e.*, a centrifuge or a spinning membrane filter can be found, for example, page 14, lines 28-31 and on page 27, lines 16-18. Support for the amendment to Claim 116 specifying that a conduit configured to maintain a closed system connects the mixing chamber and the tissue collection chamber can be found, for example, in Figure 1 and on page 28, lines 21-28.

Applicants respond below to the specific rejections raised by the Examiner in the Office Action.

Rejections Under 35 U.S.C. § 112, first paragraph

The Examiner states that the claims fail to particularly point out and distinctly claim the invention. Specifically, the Examiner alleges that the claims omit essential structural cooperative relationships of elements, such as between the filter, the tissue collection chamber, and the cell collection chamber. The Examiner further states that the claims do not recite an element to facilitate the concentration and/or separation of the stem cells from adipose tissue, as recited in the claims. Next, the Examiner states that the claims are unclear because the apparatus has a means for separating adipose tissue from lipid, blood and saline, but also refers to the collected

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tissue as "adipose tissue." Finally, the Examiner states that the claims do not detail how the apparatus facilitates the transition between adipose tissue and adipose-derived stem cells.

Applicants have amended the claims to recite that the filter (*i.e.*, first filter) is disposed within said tissue collection chamber. Further, Applicants have specified that a conduit connects the tissue collection chamber and the cell collection chamber, so as to maintain a closed pathway. Applicants maintain that the amendments clarify the structural cooperative relationship between the filter, the tissue collection chamber, and the cell collection chamber. Accordingly, Applicants respectfully submit that the amendments address and overcome the Examiner's rejections as they relate to the cooperative relationship between the recited elements.

Further, Applicants have specified that the tissue collection chamber comprises a filter to separate a cell population comprising adipose-derived stem cells from lipid, blood, and mature adipocytes. Applicants have also specified that cell collection chamber comprises a cell concentrator that includes a centrifuge or a spinning membrane filter to separate/concentrate the adipose derived stem cells. As such, Applicants respectfully submit that the present amendments address and overcome the Examiner's rejections as they relate to the need for an element to facilitate the concentration and/or separation of the stem cells from adipose tissue.

Applicants also respectfully submit that the claims, as amended, particularly point out how the adipose tissue is transitioned from a crude state into a concentrated population of adipose-derived stem cells. In particular, the claims specify that the filter disposed within the tissue collection chamber retains a first component of the unprocessed adipose tissue comprising a population of cells comprising adipose-derived stem cells and passes a second component of the unprocessed adipose tissue comprising blood and mature adipocytes. The first component then enters into the cell collection chamber via a conduit wherei it is concentrated so as to yield a concentrated population of adipose-derived stem cells in the cell concentrator within the cell collection chamber. As set forth above, the claims precisely point out the transition between the unprocessed adipose tissue and the concentrated population of adipose-derived stem cells.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph.

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CONCLUSION


In view of the above amendments and remarks, Applicants respectfully maintain that the claims are patentable and request that they be passed to issue. Applicants invite the Examiner to call the undersigned if any remaining issues may be resolved by telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: April 30, 2007

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